

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM  
ATTORNEY GENERAL

RECEIVED

MAY 24 1996

WATER RIGHTS  
SALT LAKE

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

PALMER DEPAULIS  
Chief of Staff

MEMORANDUM

TO: LEE SIM, Assistant State Engineer

FROM: ~~JOHN H. MABEY, JR.~~, Assistant Attorney General

DATE: May 23, 1996

RE: Gunnison Irrigation Company's Storage Rights in Gunnison Reservoir

I am enclosing a copy of a letter from Steven E. Clyde dated May 22, 1996, which is in response to your letter of April 23, 1996.

Please note that the letter requests that the letter be placed in the file for future reference.

Enclosure

cc: Kirk Forbush, Regional Engineer - Richfield

# CLYDE, SNOW & SWENSON

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ONE UTAH CENTER, SUITE 1000  
201 SOUTH MAIN STREET  
SALT LAKE CITY, UTAH 84111-2208

RODNEY G. SNOW  
STEVEN E. CLYDE  
HAL N. SWENSON  
WILLIAM VOGEL  
EDWIN C. BARNES  
GARY L. PAXTON  
NEIL A. KAPLAN\*  
D. BRENT ROSE  
STEPHEN B. DOXEY  
ANNELI R. SMITH  
AMANDA DICKSON SEEGER

\* ALSO ADMITTED IN WASHINGTON, D.C.

EDWARD W. CLYDE  
(1917-1991)

OF COUNSEL  
ELLIOTT LEE PRATT

TELEPHONE  
(801) 322-2516  
FAX (801) 521-6280

May 22, 1996

Mr. John Mabey, Jr., Esq.  
Assistant Attorney General  
1636 West North Temple  
Suite 300  
Salt Lake City, Utah 84116

Re: Gunnison Irrigation Company

Dear John:

Gunnison Irrigation Company appreciates receiving Lee Sim's letter of April 23, 1996, in which Lee responds to the concerns expressed in my letter to you of March 25, 1996, regarding Gunnison Irrigation Company's storage right in Gunnison Reservoir, and the Division of Water Rights' position in that regard.

We simply reiterate Gunnison Irrigation Company's position for the record as follows: That the Cox Decree, in clear and unambiguous language, provides that Gunnison may store, withdraw and then refill the reservoir each year. Under this language, the right to store water is limited only by the water supply available each year and the physical storage capacity of the reservoir. The storage right is not limited to a total quantity of 20,264.2 acre feet each year.

We are not asking for a further response from the Division, as we agree with Lee's assessment that it is not worth the expenditure of further resources for the Division or the parties involved to do so. We would simply appreciate this letter being placed in the file so that the company's position is clearly stated to avoid the appearance of any acquiescence by the company in Lee's assessment that the Cox Decree leaves room for interpretation on this issue.

**RECEIVED**

MAY 23 1996

ATTORNEY GENERAL  
Natural Resource Division

CLYDE, SNOW & SWENSON

Mr. John Mabey, Jr., Esq.

May 22, 1996

Page 2

If you have any questions about this, please give me a call.

Best regards.

Very truly yours,

CLYDE SNOW & SWENSON, P.C.



Steven E. Clyde

CC: Eugene Jensen  
D. Brent Rose, Esq.